

LAWS OF GUYANA

ACQUISITION OF LAND (LAND SETTLEMENT) ACT

CHAPTER 62:06

Act

13 of 1957

Amended by

21 of 1959

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CHAPTER 62:06

ACQUISITION OF LAND (LAND SETTLEMENT) ACT

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SCHEDULE—Income from use of land for Agriculture.

13 of 1957

An Act to make provision for the Acquisition of Lands to be used for the purpose of Land Settlement.

[25th MAY, 1957]

Short title.

1. This Act may be cited as the Acquisition of Land (Land Settlement) Act.

Interpretation.

2. In this Act—

“land settlement scheme” includes any project intended to secure land for the establishment of farmers as an organised settlement or for distribution by sale, lease or otherwise to persons individually for agricultural purposes;

“the Principal Act” means the Acquisition of Land for Public Purposes Act.

c. 62:05

Power of Minister to declare a land settlement scheme a public work under section 3 of Cap 62:05.

3. Subject to section 7 of this Act, the Minister may by order under section 3 of the Acquisition of Lands for Public Purposes Act declare any land settlement scheme to be a public work for the purposes of the Principal Act, and thereafter that Act shall, subject to the modifications hereinafter stated, apply in relation to the acquisition of any land for the purposes of such schemes.

Modification of application of Cap. 62:05 where land required for land settlement scheme.

4. When an order made under section 3 of the Principal Act and section 3 of this Act has declared a land settlement scheme to be a public work, then in relation to the acquisition of any land required for the purposes of such scheme—

(a) section 5(1) of the Principal Act shall have effect as if the following paragraphs were added thereto—

“(d) to set out the boundaries of the land proposed to be taken;

(e) to do all such other acts as may be incidental to or necessary for any of the purposes aforesaid.”;

(b) the proviso to section 7(1) of the Principal Act shall have effect as if for the words “for the public work for which the land is required” therein appearing there were substituted the following words—

“to pay the purchase price or compensation for the land required”;

and

- (c) section 19 of the Principal Act shall not have effect.

Method of
assessment of
compensation.
c. 62:05

5. (1) Section 18(a) of the Principal Act shall not have effect, and in assessing the value of land or of any interest therein acquired compulsorily under this Act, regard shall be had to the following factors:

- (a) either the capitalised value of the net annual income which would be derived from the use of the land for agriculture after deducting the estimated capital expenditure on improvements required to bring the land into a state fit for use as aforesaid or, the price paid for the land (exclusive of any buildings, plant and machinery on the land) by the person who owned the land on the 1st July, 1955, whichever is the greater;
- (b) the market value of any buildings, plant and machinery on the land having regard to the general conditions, state of repair and fitness for use of such buildings, plant and machinery.

(2) For the purposes of subsection (1) the net annual income and the capitalised value of such income shall be determined in accordance with the principles set out in the Schedule to this Act.

Schedule.

Award and
assessment of
fair value
where land is

6. (1) In determining claims for compensation the Court shall have power to consider and award to the claimant such additional amount as the Court deems

acquired. necessary in order to make such compensation a fair value of the land acquired compulsorily under this Act.

(2) In determining whether it is necessary to award any additional amount as aforesaid the Court shall consider—

- (a) the nature and extent of the estate or interest of the claimant in the land;
- (b) the extent to which the value of the improvements on the land exceeds the value of the improvements normally required;
- (c) any special value that the land may have by reason of locality;
- (d) such other matters affecting the land as the Court considers relevant.

Appointment of commissioner etc. [21 of 1959] c. 62:05

7. (1) Before an order is made under section 3 of the Principal Act and section 3 of this Act, the Minister may, and if requested to do so in writing by the owner or occupier of the land shall, by notice published in the *Gazette*, issue a Commission appointing two or more commissioners to determine by investigation whether or not it is in the public interest that the land in respect of which it is sought to make an order as aforesaid should be acquired for a land settlement scheme having regard to the extent to which the land is not beneficially occupied or utilised for agriculture.

(2) In making their investigation the commissioners shall, together with any other relevant matters, take into consideration the following matters, that is to say—

- (a) the extent to which the land requires improvements to be effected before it can be utilised for agriculture;
- (b) the reasonable requirements of the owner of the land for agriculture.

(3) Subject to subsection (5) of this section, commissioners appointed as aforesaid shall have all the powers, duties and obligations of, and shall for all purposes be deemed to be, commissioners appointed under the Commissions of Inquiry Act.

c. 19:03

(4) Where in making their investigation the commissioners find that any part or parts of the land are in beneficial occupation or are utilised for agriculture but that having regard to the extent to which the land as a whole is so occupied or utilised it is nevertheless in the public interest that such part or parts be acquired in order to ensure the planned development of the land as a whole, the commissioners shall in their report distinguish between those parts of the land which are beneficially occupied or utilised for agriculture and those which are not.

(5) Any person whose interests are, or may be prejudicially affected shall be entitled to be heard by himself or counsel or attorney-at-law before such commissioners.

(6) The report of the commissioners to the Minister shall be published in the *Gazette*.

(7) If the commissioners report to the Minister that it is not in the public interest that any land or any part of such land in respect of which it is sought to make an order should be acquired for a land settlement scheme, it shall not be lawful for the Minister to make an order with respect to such land or part thereof as the case may be.

Power to
acquire land by
lease.
c.62:05

8. (1) Anything in the Principal Act to the contrary notwithstanding where any order has been made under section 3 of the Principal Act and section 3 of this Act, the Minister may, where he considers it expedient so to do, by order published in the *Gazette*, declare that the land described in such order shall be held by the State on a lease subject to such terms and conditions as may be specified in such order.

(2) Upon the expiration of thirty days after the publication of any order made under subsection (1) of this section, the land described in such order shall be deemed to have been leased to the State on the terms and conditions specified in such order.

(3) The compensation to be paid in respect of such land shall be assessed on the following basis, that is to say—

- (a) an annual rent equivalent to the amount of the estimated net annual income derived from the use of the land for agriculture determined as at the date of the acquisition of the land in accordance with the principles set out in the Schedule to this Act, or six per cent of the price paid for the land (exclusive of any buildings, plant and machinery on the land) by the person who owned the land on the 1st July, 1955, whichever is the greater;
- (b) six per cent of the market value of any buildings, plant and machinery on such land;
- (c) such amount, if any, as may be payable in accordance with section 18(b), (c) and (d) of the Principal Act.

(4) The powers conferred upon the Minister by this section shall be in addition to and not in derogation of any other power conferred upon him by the Principal Act, and this Act, and notwithstanding the exercise of the power conferred by this section in respect of any land, the Minister may at any other subsequent time exercise in respect of such writ any other power conferred upon him by the principal Act and this Act.

Power of Court to award additional sum to claimant.

9. In determining claims for compensation where an order has been made by the Minister under section 8 of this Act, the Court shall have power to consider and award to the claimant an additional sum by way of annual rent equivalent to six per cent of such additional amount as the Court would deem it necessary to award under section 6 of this Act if the land were acquired compulsorily under section 3 of this Act.

Conditions relating to land sold or leased. c. 62:05

10. (1) Where any land acquired under the Principal Act and this Act is sold or leased to any person for the purposes of any land settlement scheme —

- (a) the purchaser or lessor as the case may be, shall not sell, lease, let, sublet, charge or incumber such land without the consent of the Minister, and any sale, lease, letting, subletting, charge or incumbrance in contravention of the provisions of this section shall be void and of no effect;
- (b) such land, or the lessor's interest therein as the case may be, shall not be liable to be taken in execution except in respect of any debt owing to, or obligation arising under any guarantee by, the State, or in respect of the recovery of any tax, duty, rate

or other sum of money due and owing to the State or to any statutory authority.

(2) The provisions of subsection (1)(a) and (b) shall be set out in every transport or lease relating to any land acquired under the Principal Act and this Act which is sold or leased for the purposes of a land settlement scheme.

S.5 (2), 8(3)

SCHEDULE

Principles for determining the net annual income from the use of land for agriculture and the capitalized value of such income

The net annual income from the use of land for agriculture shall be the estimated net annual income that can be derived from the land by average efficient farmers engaged in the cultivation of crops, in animal husbandry or both in accordance with normal standards and practices in Guyana having regard to the position and character of the land.

2. In order to arrive at the estimated net annual income there shall be deducted from the estimated gross annual income all expenses (other than land rent and capital expenditure) that would necessarily be incurred in the production of the income. The amount of the gross income as aforesaid shall be computed on the basis of the price for farm products that can be expected to be produced from the use of the land on the basis of prices ruling at the date of the compulsory acquisition of the land.

3. For the purposes of paragraph 2 above, the expenses that would necessarily be incurred in the production of the income shall include, in addition to all other working expenses, reasonable remuneration for the work performed

by the farmer or any other person in the production of the income together with interest calculated at the rate of 6 per cent per annum on the estimated capital expenditure on improvements required to bring the land into a state fit for use for agriculture and on the estimated average annual capital value of the stock and equipment required to be used in the farming operations.

c. 69:02

4. In the case of land which is, or would after improvements effected be, rice land as defined by the Rice Farmers (Security of Tenure) Act, the estimated net annual income per acre therefrom shall in any event not be less than the net amount that would accrue to the owner from the rental of such rice land after deducting from the current appropriate maximum basic rent under the aforesaid Act interest at 6 per cent per annum on the estimated capital expenditure required to bring the land into a state fit for rice cultivation.

5. The capitalized value of the net annual income from the use of land for agriculture shall be deemed to be the sum which if invested at interest at the rate of 6 per cent per annum would yield annual interest equivalent to such net annual income.

SUBSIDIARY LEGISLATION

O.37/1991
Erratum
19/10/91

**ACQUISITION OF LAND FOR PUBLIC PURPOSES
(LAND SETTLEMENT SCHEME) ORDER**

made under section 3 of Cap. 62:05

Citation.

1. This order may be cited as the Acquisition of Land for Public Purposes (Land Settlement Scheme) Order.

Land declared to be public works.

2. The proposed utilisation of the lands described in the schedule, for the establishment of a land settlement scheme is hereby declared to be a public work.

SCHEDULE

(a) **PLANTATION HACKNEY**

A portion of the Plantation Hackney situated on the right bank of the Pomeroon River, Essequibo and bounded as follows:-

On the South: by the common boundary with Plantation Muncker (a);

On the East: by the Mean High Water Mark of the Atlantic Ocean;

On the West: by the Pomeroon River;

On the North: by the Hackney Canal

(b) **PLANATION MUNCKER (a)**

A portion of the Plantation Muncker (a) situated on the Right bank of the Pomeroon River, Essequibo and bounded as follows:-

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- On the North: by the common boundary between Plantation Hackney and Plantation Muncker (a);
- On the East: by the Mean High Water Mark of the Atlantic Ocean;
- On the South: by the common boundary between Plantation Mucker (a) and Plantation Muncker (b);
- On the West: by the Pomeroon River.

(a) PLANTATION MUNCKER (b)

The portion of the Plantation Muncker (b) situated on the Right Bank of the Pomeroon River; Essequibo and bounded as follows:-

- On the North: by the common boundary between Plantation Muncker (a) and Plantation Muncker (b);
- On the South: by the common boundary with Plantation Phoenix Park;
- On the East: by the Mean High Water Mark of the Atlantic Ocean;
- On the West: by the Pomeroon River.

(b) PLANTATION PHOENIX PARK

A portion of the Plantation Phoenix situated on the Right Bank of the Pomeroon River, Essequibo and bounded as follows:-

- On the North: by the common boundary with Plantation Muncker (b);

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On the South: by the common boundary with
Plantation Kitty;

On the East : by State Land;

On the West: by the Pomeroon River.

(c) PLANTATION KITTY

A portion of Plantation Kitty situated on the Right Bank of the Pomeroon River, Essequibo and bounded by as follows:-

On the North: by the common boundary with
Plantation Phoenix Park;

On the South: by the common boundary with
Government reserve and State
Land respectively

On the East: by State Lands;

On the West: by the Pomeroon River.

(d) PLANTATION ENTERPRISE

A portion of Plantation Enterprise situated on the Right Bank of the Pomeroon River, Essequibo and bounded as follows:-

On the North: by the centre line of the
sideline dam and State Land
respectively;

On the South: by the centre line of the
sideline dam and State Land

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respectively;

On the East: by State land;

On the west: by the Pomeroon River.

(e) PLANTATION LAND OF PROMISE

A portion of the Plantation Land of Promise situated on the Right Bank of the Pomeroon River, Essequibo and bounded as follows:-

On the North: by the common boundary with Grant 1863, Grant 6256 and Plantation Still-in-Hope respectively;

On the South: by the common boundary with Plantation Friendship and State Lands respectively;

On the East: by the mean High Water Mark of the Atlantic Ocean;

On the West: by the Pomeroon River.